

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

NICOLE P. ERAMO)
Plaintiff) Case No. 3:15-cv-00023-GEC
v.)
ROLLING STONE LLC,)
SABRINA RUBIN ERDERLY, and)
WENNER MEDIA LLC,)
Defendants.)

**PLAINTIFF'S MOTION TO STRIKE NON-PARTY RESPONDENT "JACKIE'S"
PERSONAL ATTACKS ON PLAINTIFF IN HER COURT FILINGS**

Plaintiff hereby moves to strike Respondent Jackie's personal attacks on Plaintiff in her court filings and, in support of that motion, states as follows:¹

1. Jackie's recent court filings² are filled with vitriolic personal attacks on Dean Eramo, accusing her of having a lack of compassion, a disregard for Jackie's well-being, and re-victimizing Jackie. These accusations are demonstrably false, hurtful, and irrelevant.
2. In April 2015, nearly one year ago and prior to any discovery proceedings in this case, Dean Eramo made a written proposal to Jackie and her lawyers pursuant to which Jackie would provide information relevant to this lawsuit *without ever having to participate in a*

¹ Courts have the discretion to consider a motion to strike all or parts of non-pleading documents under Fed. R. Civ. P. 12(f). See *Vogt v. Raymond James Fin. Servs., Inc.*, 2009 WL 4667130, at *2 (E.D. Wis. Dec. 3, 2009) (where Court struck an attachment to a filing that "only serve[d] to demean and harass [the] defendant"); see *Pigford v. Veneman*, 215 F.R.D. 2, 4 (D.D.C. 2003) (where parts of a response to a motion for additional time that included unfounded "charges of racism" were struck).

² These recent court filings are: Non-Party Resp't's Opp'n to Pl.'s Mot. for Additional Time to Depose "Jackie," *Eramo v. Rolling Stone LLC*, No. 3:15-cv-00023-GEC (Mar. 22, 2016) [Dkt. 55]; Non-Party Resp't's Mem. in Supp. of her Mot. to Quash Pl.'s Rule 45 Dep. Subpoena or in the Alternative Mot. for a Protective Order, No. 3:15-cv-00023-GEC (Mar. 15, 2016) [Dkt. 59]; and Non-Party Resp't's Mot. for Relief in Connection with Pl.'s Rule 45 Subpoena of Doctor, No. 3:15-cv-00023-GEC (Mar. 24, 2016) [UNDER SEAL].

deposition. (See Email from Thomas Clare to Palma Pustilnik (April 24, 2015 10:42 AM EDT) (“April 2015 Proposal”) (Attached hereto as Ex. A)).

3. Jackie and her lawyers rejected the April 2015 Proposal in its entirety.

4. Having rejected Dean Eramo’s April 2015 Proposal and other similar efforts by Dean Eramo to limit Jackie’s direct participation in these proceedings, ***Jackie and her attorneys are solely responsible for the current need to depose Jackie*** – not Dean Eramo. Similarly, by submitting a declaration from Jackie’s psychologist to the Court and by purposefully making an issue of Jackie’s mental health and competency as a witness (something Dean Eramo has not done) ***Jackie and her lawyers are entirely responsible for the need to depose her psychologist.***

5. Jackie and her lawyers should not be permitted to abuse public court filings — and mislead the Court and the public — with gratuitous, irrelevant, and demonstrably false personal attacks on Dean Eramo’s character and her motives regarding the need for these depositions.

WHEREFORE, Plaintiff Nicole Eramo requests that the Court enter an appropriate order that all personal attacks on Dean Eramo be struck from Respondents’ recent court filings.

Dated: March 29, 2016

Respectfully submitted,

By: /s/ Thomas A. Clare

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ATTORNEYS FOR PLAINTIFF NICOLE ERAMO

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Nicole Eramo's Motion to Strike Non-Party Respondent "Jackie's" Personal Attacks on Plaintiff in her Court Filings on March 29, 2016 via ECF (for those attorneys that have registered), or by email and Federal Express (for those attorneys that have not).

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Dated: March 29, 2016

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